

April 18, 2014

Ms. Katharine Carter
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403

Via Electronic Mail to Katharine.Carter@waterboards.ca.gov

Re: Citizen comments supporting CWA Section 303(d) flow-impairment assessment and listings proposed in 2010

Dear Ms. Carter:

Please carefully consider the below input and questions on the North Coast Regional Water Quality Control Board's omission of any evidence, proposal and recommendation to list the Scott River, Shasta River, Upper Main Eel River, Mattole River, Maacama Creek, and Mark West Creek as flow impaired under section 303(d) of the Clean Water Act.

After a two year backlog in listing cycles and a four year process to assess and report on existing data, there is really no excuse for not listing these most extreme cases of flow impairment, or at least providing some detailed scientific basis for not listing them.

Four years seems plenty long enough to evaluate and decide on a set of criteria to use in deciding whether to list California's most heavily dewatered streams and rivers as flow impaired.

Please add these comments to the record. Please also respond specifically and directly in writing to the following questions as soon as possible:

- 1) When did the NCRWQCB begin considering data submitted with flow impairment listing proposals in this cycle? Please provide or cite written documentation, including dates, as part of the response.
- 2) Did the NCRWQCB approach the State Water Resources Control Board (SWRCB) for guidance and a set of criteria to apply to the specific proposals and evidence submitted supporting flow impairment in this listing cycle, formally or informally? Please provide or cite written documentation, including dates, as part of the response to this question.
- 3) Did the SWRCB respond to any requests from the NCRWQCB for guidance or criteria for flow impairment listings in California? Please provide or cite written documentation, including dates, as part of the response to this question.
- 4) If the NCRWQCB did not request guidance or criteria, why not? Please provide a specific and substantive response.

As you know, concerned citizens and groups in the Klamath River watershed and around the state of California have been seeking functional solutions to instream flow deficiencies in our waterbodies for years.

The pursuit of more instream flows to sustain beneficial uses such as coldwater fisheries survival, swimming, fishing and navigation has been frustrating, and often circular.

When we document total dewatering and resulting death of juvenile salmon in the Scott River, someone claims that they own the streambed and we have no right to be there taking pictures, even though we wouldn't have needed to set foot there if water had been left flowing in the stream there, rather than being ditched, pumped or otherwise diverted.

When we point out imminent flow impairments and fish kills on the Shasta River, someone claims that if we just cut more trees, we could solve the problem.

When we propose using the Clean Water Act to acknowledge the reality that these streams are in fact flow impaired, we are told that we can hope other existing TMDLs will address instream flow problems.

I submit to you that there is no effective way to address instream flow impairments without admitting that we suffer from instream flow impairments. How many more years must we go around and around, putting off the inevitable conclusion that rivers need water and some of them are deprived of it perennially? The Clean Water Act is a powerful tool, but only if we use it.

As a closing anecdote supporting the proposed flow impairment listings and evidence submitted supporting those listings, I offer this.

A few summers ago, on a scorching hot day in central Siskiyou County, I asked a local shop keeper where people swim in the area. He listed a few lakes at least an hour-long drive away. "What about the rivers?" I asked. "Don't people swim in the Shasta River?"

"Not since I was a kid," he replied, then stopped to think a minute. "No, even when I was a kid we usually swam in irrigation ditches because they had more water than the river," he remembered.

Thank you for giving flow impairment listings on the Scott, Shasta, Upper Main Eel, Mattole, Maacama Creek and Mark West Creek due consideration in this listing cycle. I also urge you to recommend these streams for flow-impairment listings during this listing cycle. We can't afford to wait any longer.

Sincerely,

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